

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 6-18 remain pending. Claims 6, 7 and 18 are independent.

Claims 6-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawabuchi et al. (U.S. Patent No. 5,884,122, *hereinafter Kawabuchi*), Shimizu (U.S. Publication No. 2004/0012812) and Bunker (U.S. Patent No. 7,072,054). Applicant respectfully traverses.

The Examiner alleges that Kawabuchi and Shimizu teaches all features of claims 6, 7 and 18 except for the first and second modes of operation not being attached to print job data/processing contents data settings. The Examiner alleges that Bunker corrects this deficiency of Kawabuchi and Shimizu. *Office Action, page 8*. Reliance upon Bunker is misplaced.

Bunker relates to data security in devices such as photocopiers, fax machines, and printers. *Bunker, c.1, ll.13-15*. Bunker notes that many of these devices include nonvolatile memory. A security risk arises when the device loses power while printing, processing, or storing incomplete pending jobs in a queue. When power is restored, the device normally checks for incomplete and/or pending jobs and prints them. However, if the loss of power lasts too long, the user may leave the vicinity of the printing device and the output of the device can remain in an output tray for a long time leaving the printed documents vulnerable. *Bunker, c.1, ll.18-39*.

Bunker addresses this issue of by proposing a method and apparatus that checks the duration of the power loss against a reference duration, and erases any pending and/or incomplete jobs when the power is restored, rather than printing the jobs and leaving them vulnerable. *Bunker, c.1, ll. 40-51*. Figs. 5 and 6 illustrate two different security methods according to Bunker. In Fig. 5, when the power returns after a power loss, the duration of the power loss is determined. If the duration exceeds a threshold duration, then the incomplete and/or pending jobs are erased. *Bunker, c.4, ll.6-14*.

Fig. 6 is a more complex expression of a security method. The method in Fig. 6 also begins with the return of power after power loss. Again, the duration of the power loss is determined and compared to a threshold. If the threshold is not exceeded, then no erasure occurs. If the threshold is exceeded, then a check is made to see if incomplete jobs should be erased and actions are taken accordingly. *Bunker, c.4, ll.14-31*. Note that both methods begin after power is restored. That is, Bunker addresses what occurs after power is restored.

This is completely contrary to claims. For example, in claim 6, the receiving unit receives and instructions for turning off the power switch. When the information processing apparatus is set to operate in the first mode, the decision unit decides that the invalidating unit is allowed invalidate in response to the reception of the instruction by the receiving unit, and when the information processing apparatus is set to operate in the second mode, the

decision unit decides that the invalidating unit is not allowed invalidate in response to the reception of the instruction by the receiving unit. That is, in the claim, the first and second operating modes relate to whether or not invalidating is carried out upon receiving instructions to power off the device.

Thus, even by the Examiner's own interpretation of what Bunker discloses, it is clear that Bunker does not teach or suggest the first and second operation modes feature as recited in claim 6. Also by the Examiner's own admission, neither Kawabuchi nor Shimizu teaches or suggests this feature. *Office Action*, p.8, ll.1-3. Since none of Kawabuchi, Shimizu and Bunker teaches or suggests this feature, the combination of these references cannot teach or suggest this feature. This is sufficient on its own to distinguish claim 6 from Kawabuchi, Shimizu and Bunker.

But in addition, the Examiner's reasoning is flawed. The Examiner explains the motivation why the techniques taught by Bunker are combined into Kawabuchi and Shimizu's device, e.g., "allowing for the security operation of the device to be flexibly configured by an operator to better address the security requirements of high security areas versus lower security areas." *Office Action*, p.8, ll.9-15. The portion of Bunker the Examiner relies upon is reproduced below:

In high security areas (e.g., military installations), there is often a requirement that all jobs that stored on NVM of a device shall be inaccessible once the job is completed. Additionally, users in lower security area often wish to erase data they would like to keep private or confidential for various reasons. *Bunker*, c.1, ll.24-29.

The only difference between high and low security areas is that in high security areas, erasure of completed jobs is required while in low security areas, erasure of completed jobs is not necessarily a requirement. Nonetheless, even in the low security area, the users may still wish to have their print job data erased after the job completion. Bunker goes onto state:

A risk to security arises when a printing device loses power while printing, processing, or storing incomplete pending jobs in a queue. When the device regains power, it will typically check for incomplete and/or pending jobs and print them. If the loss of power lasts too long, the user may leave the vicinity of the printing device and the output of the device can remain in an output tray for a long time, possibly forgotten by the user who sent the job or simply languishing because the user has gone home for the day. *Bunker, c.1, ll.31-39.*

In other words, whether the erasure of completed jobs is required or is merely desired, same risk occurs in both high and low security areas when the printing device loses power while printing, processing, or storing incomplete pending jobs in a queue. Thus, the solution Bunker proposes will be the same in both high and low security areas. This directly contradicts the Examiner's conclusion (*see Office Action, p.8, ll.16-18*) that it would be obvious to apply a secure mode of operation to high security environment and non-secure mode of operation to the low security environment.

§103(a) requires that the content of the prior be determined "at the time the invention was made." Regarding rejections under §103, the Supreme Court in quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere

conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

*KSR v. Teleflex*, 550 U.S. 398 (2007). *MPEP 2141 (III)*.

The Examiner’s explanation merely provides an unsupported conclusion that the combination “would have been obvious”. Furthermore, the Examiner’s explanation appears to have merely assumed that if the references are put side-by-side, the change is obvious. But the Examiner’s explanation does not answer questions as to what problems exist within Kawabuchi and Shimizu that would benefit from improvement, and once a problem has been identified, why would one have sought out the art of data security to solve that problem. And finally, once a connection has been established, why would one have selected the Bunker disclosure for combination with Kawabuchi and Shimizu?

In short, the Examiner’s explanation is just for answering the advantage having been obtained after the Examiner made to combine the techniques taught by Bunker into Kawabuchi and Shimizu’s device, but not for answering the motivation. Furthermore, only after the benefit of hindsight provided by the instant disclosure, the Examiner has apparently selected Bunker and substantially redesigned and reconstructed the elements of Kawabuchi and Shimizu.

There are other deficiencies with the combination of Kawabuchi, Shimizu and Bunker. For example, the Examiner alleges that the combination of Kawabuchi and Shimizu discloses the decision unit feature. In particular, the

Examiner proposes to combine Fig. 9 and 10 of Kawabuchi with Fig. 2 of Shimizu. Fig. 2 of Shimizu simply indicates that after printing process is executed, it is determined whether or not the print data is for printing in the security print mode. If so, the print job data is erased from the hard disk. Then the next print job is executed. *Shimizu [0092]*. Thus, the erasing is performed purely due to the security attached to the print job itself. The Examiner indicates that in Kawabuchi, upon receipt of an auto-shutoff command, the print job data is backed up. The Examiner contends that when Kawabuchi and Shimizu are combined, security is ensured by not backing up the secured data.

Nonetheless, the combination still does not teach or suggest “a decision unit that decides in response to the reception of the instruction by the receiving unit whether the invalidating unit is allowed to invalidate or not, on the basis of the setting of the operation admission unit” (*emphasis added*) as recited. This is yet another independently sufficient reason that claim 6 is distinguishable.

For at least the above stated reasons, independent claim 6 is distinguishable over Kawabuchi, Shimizu and Bunker. For similar reasons, independent claims 7 and 18 are also distinguishable over Kawabuchi, Shimizu and Bunker. Claims 8-17 are distinguishable over Kawabuchi, Shimizu and Bunker by virtue of their dependencies from claims 6 and 7 as well as on their

own merits. Applicant respectfully request that the rejection of claims 6-18 be withdrawn.


All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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